

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

AT&T MOBILITY LLC,

Defendant.

Civil Action No. 8:12-cv-122-LES-TDT

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

SPRINT SPECTRUM L.P.,

Defendant.

Civil Action No. 8:12-cv-123-LES-TDT

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant.

Civil Action No. 8:12-cv-124-LES-TDT

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

U.S. CELLULAR CORP.,

Defendant.

Civil Action No. 8:12-cv-125-LES-TDT

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS,

Defendant.

Civil Action No. 8:12-cv-126-LES-TDT

**DECLARATION OF MICHAEL HILGERS IN SUPPORT OF DEFENDANTS' MOTION  
TO EXCLUDE TESTIMONY OF JAMES E. MALACKOWSKI**

I, Michael T. Hilgers, do hereby declare pursuant to 28 U.S.C. § 1746(2) under penalty of perjury that the following is true and accurate based upon my personal knowledge and belief:

1. I am over 21 years of age and legally competent to testify. I am a partner at Gober Hilgers PLLC and am counsel for Defendant T-Mobile USA, Inc. I submit this declaration in support of Defendants' Motion to Exclude Testimony of James E. Malackowski.

2. Attached as **Exhibit A** is a true and accurate copy of James E. Malackowski's Expert Report served in *Prism Technologies LLC v. T-Mobile USA, Inc.*, 8:12-cv-124-LES-TDT.

3. Attached as **Exhibit B** is a true and accurate copy of James E. Malackowski's Expert Report served in *Prism Technologies LLC v. Celco Partnership d/b/a Verizon Wireless*, 8:12-cv-126-LES-TDT.

4. Attached as **Exhibit C** is a true and accurate copy of James E. Malackowski's Expert Report served in *Prism Technologies LLC v. AT&T Mobility LLC*, 8:12-cv-122-LES-TDT.

5. Attached as **Exhibit D** is a true and accurate copy of James E. Malackowski's Expert Report served in *Prism Technologies LLC v. U.S. Cellular Corp.*, 8:12-cv-125-LES-TDT.

6. Attached as **Exhibit E** is a true and accurate copy of James E. Malackowski's Expert Report served in *Prism Technologies LLC v. Sprint Spectrum, L.P.*, 8:12-cv-123-LES-TDT .

7. Attached as **Exhibit F** is a true and accurate copy of an excerpt of the July 1, 2014 Deposition Transcript of James Malackowski taken for *Prism Technologies LLC v. T-Mobile USA, Inc.*, 8:12-cv-124-LES-TDT.

8. Attached as **Exhibit G** is a true and accurate copy of an excerpt of the January 29, 2014, Deposition Transcript of Richard Gregg taken *Prism Technologies LLC v. T-Mobile USA, Inc.*, 8:12-cv-124-LES-TDT.

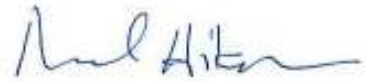
9. Attached as **Exhibit H** is a true and accurate copy of an excerpt of the June 24, 2014 Deposition Transcript of James Malackowski taken for *Prism Technologies LLC v. AT&T Mobility LLC*, 8:12-cv-122-LES-TDT.

10. Attached as **Exhibit I** is a true and accurate copy of an excerpt of the June 13, 2014 Deposition Transcript of John Minor taken for *Prism Technologies LLC v. AT&T Mobility LLC*, 8:12-cv-122-LES-TDT.

11. Attached as **Exhibit J** is a true and accurate copy of John Minor's Expert Report served in *Prism Technologies LLC v. T-Mobile USA, Inc.*, 8:12-cv-124-LES-TDT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 7th day of July, 2014, in Omaha, Nebraska.

Dated: July 7, 2014



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Michael T. Hilgers